

SENATE CHAMBER,
AUSTIN, TEXAS, Friday, August 12, 1870.

Senate met pursuant to adjournment; President Don Campbell in the Chair. Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Pyle, the reading of the journal was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Hertzberg :

Petition of citizens of Bexar county asking the passage of House bill No. 255, "An Act to authorize the Governor to procure from the archives of the old Spanish missions the history of this State prior to 1793, and to make appropriation for the same."

On motion of Senator Hertzberg, the rules were suspended to take up House bill No. 255.

Senator Pridgen moved the reference of the bill and petition to Committee on State Affairs.

Yeas and nays taken :

Yeas—Alford, Baker, Bell, Bowers, Broughton, Clark, Dohoney, Douglas, Evans, Gaines, Hall, Mills, Parsons, Pickett, Priest, Pridgen, Pyle, Rawson, Shannon—19.

Nays—Mr. President, Hertzberg, Pettit, Ruby, Saylor—5.

Absent—Cole, Flanagan, Ford, Fountain, Latimer—5.

Carried.

Report of Committee on Enrollment :

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Enrolled Bills beg leave herewith to return to your honorable body engrossed Senate bill No. 66, for the reason that the same has been improperly engrossed.

B. J. PRIDGEN,
Chairman.

On motion, it was referred to Engrossing Committee for re-engrossment.

Report of Committee on Engrossment :

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Engrossed Bills, having examined and compared Senate bill No. 359, "To incorporate the Rusk and Harrison County Railway Company," and Senate bill No. 279, "To incorporate the Rio Grande Railroad Company," find the same to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

Reports of Committee on Internal Improvements :

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your committee to whom was referred Senate bill No. 323, to be entitled "An Act to authorize railroad companies to regulate the gauges of their roads, beg leave to report that they have carefully considered the same, and recommend that it do pass.

Respectfully,

W. A. SAYLOR,

Chairman Committee on Internal Improvements.

Laid over under the rules.

COMMITTEE ROOM,
Austin, August 10, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Internal Improvements to whom was referred Senate bill No. 294, entitled "An Act to incorporate the Navasota Narrow Gauge Railroad Company," have had the same under consideration, and report it back to the Senate and recommend its passage.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

COMMITTEE ROOM,
Austin, August 11, 1870.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on Internal Improvements to whom was referred House bill No. 327, "An Act to incorporate the Galveston

and Northwestern Railroad Company," have had the same under consideration, and would respectfully recommend that it do pass.

W. A. SAYLOR,
Chairman.

Laid over under the rules.

Report of Committee on Judiciary:

COMMITTEE ROOM,
Austin, August 11, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: House bill No. 150 was referred to the Judiciary Committee. The committee has no time to devote to the business of the committee.

This is a bill to amend the corporation of Burnett Male and Female Academy—a simple corporation of a literary institution, and we see no reason why the same should not pass, and respectfully report the same back to the Senate.

M. PRIEST,
Chairman.

On motion of Senator Priest the rules were suspended to consider the bill.

Bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Ford, Gaines, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Rawson, Ruby, Saylor, Shannon,
—22.

Nays—Alford.

Absent—Flanagan, Fountain, Hall, Latimer, Pridgen, Pyle—6.

Bill passed and sent to the House.

Report of Committee of Free Conference on Senate bill No. 317:

COMMITTEE ROOM,
Austin, August 11, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee of Free Conference, with similar House Committee on Senate bill No. 317, "An Act making appropriations for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for previous years, ending August 31, 1870," unanimously agree in reporting back to the Senate the following amendments to said bill, and recommend their adoption:

On page thirteen, under the caption "Adjutant General's office," add:

For telegraphing and printing.....	\$1,000
For pay of Adjutant General from June twenty-four to August thirty-one.....	558
For pay of clerk for July and August, 1870.....	200
	<hr/>
	\$1,758

On page fifteen add before "deficiencies in appropriations:"
For support of State Police..... 75,000

Thus amending page sixteen, "deficiencies," by adding.. \$76,758

G. T. RUBY,
W. H. PYLE,
S. W. FORD,
Committee.

Laid over under the rules.

On motion of Senator Pridgen the rules were suspended to take up Senate bill No. 269, "An Act to provide substitutes for certain documents and books destroyed by fire in the court house of Goliad."

Bill read second time and passed to engrossment; rules suspended, bill read third time and passed.

Report of Committee on Engrossment:

COMMITTED ROOM,
Austin, August 11, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Engrossed Bills, to whom was recommended substitute for Senate bill No. 248, having carefully examined and compared the same, find it to be correctly engrossed.

G. T. RUBY,
E. L. DOHONEY,
P. W. HALL.

On motion of Senator Parsons the rules were suspended to take up House bill No. 309, "An Act to incorporate the Gregory Institute of Harris county."

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Ford, Gaines, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pyle, Rawson, Ruby, Shannon—23.

Nays—None.

Absent—Flanagan, Fountain, Hall, Latimer, Pridgen, Saylor—6.
Bill passed.

BILLS AND RESOLUTIONS.

By Senator Pettit: Joint resolution concerning public debt.

Resolution read first time.

By Senator Bowers: "An Act to make an appropriation to pay fees of justices of the peace, and peace officers in criminal prosecutions before justices of the peace."

Bill read second time and passed to engrossment; rules suspended, bill read third time.

Yeas and nays taken:

Yeas—Mr. President, Baker, Bell, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Ford, Gaines, Hertzberg, Mills, Parsons, Pickett, Priest, Pyle, Rawson, Saylor, Shannon—21.

Nays—Alford.

Absent—Flanagan, Fountain, Hall, Latimer, Pettit, Pridgen, Ruby—7.

Bill passed.

The Secretary of the Senate carried to the House the following bills: House bills Nos. 289, 338, 459, 469, 492, 467 and 482; Senate bills Nos. 72, 279 and 359.

The Secretary of the Senate carried to the House the following enrolled Senate bills:

No. 367, "An Act to incorporate the Hempstead, Eastern and Western Trunk Railway Company, of Texas."

No. 138, "An Act to change the name of Anna O'Donnell to Anna Rowe."

No. 20, "An Act regulating the right to keep and bear arms."

No. 146, "An Act prescribing the powers and duties of clerks of district courts."

No. 314, "An Act to regulate the disposal of public lands of the State of Texas."

No. 341, "An Act making appropriations for the payment of the expenses of maintaining ranging companies on the frontier."

No. 62, "An Act to amend an act entitled 'An Act to establish a Code of Criminal Procedure, etc.'"

No. 319, "An Act authorizing and requiring the Comptroller of Public Accounts to invest in United States bonds the school fund now in the State Treasury."

Signed by the Speaker, returned and signed by the President.

By Senator Pickett: "An Act to incorporate the Neches Navigation Company."

Read first time and referred to Committee on Internal Improvements.

On motion of Senator Dohoney, the rules were suspended to take

up House bill No. 269, "An Act to incorporate the town of Cleburne, in Johnson county."

Bill read first time; rules suspended, bill read second time; rules suspended, bill read third time.

Yeas and nays taken on final passage:

Yeas—Mr. President, Alford, Baker, Bowers, Broughton, Clark, Dohoney, Douglas, Evans, Ford, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Pyle, Rawson, Ruby, Shannon—22.

Nays—None.

Absent—Bell, Cole, Flanagan, Fountain, Latimer, Pridgen, Saylor—7.

Bill passed.

Message from the House informing the Senate that the Speaker had signed in open session the following enrolled bills:

Enrolled bill, "An Act to authorize B. P. Riddle and James Blackburn to erect a toll bridge over Neches river, in the county of Cherokee and State of Texas."

Enrolled bill, "An Act to incorporate the Southwestern Insurance and Trust Company."

Enrolled bill, "An Act for the relief of James P. Goodnight, late assessor and collector of Dallas county, and his sureties."

Enrolled bill, "An Act to release A. M. Neps from paying State, county or city incorporation tax on the sale of goods, wares and merchandise in the State of Texas."

Enrolled bill, "An Act to incorporate the Lake Fork Toll Bridge Company."

Enrolled bill "An Act to incorporate the stockholders of the Union, Marine and Fire Insurance Company of the city of Galveston."

Enrolled bill "An Act authorizing the Governor to order an election to be held in Hill county for the permanent location of their county seat."

Enrolled bill "An Act making appropriation to pay Peter Metzgar for conveying his daughter, Anna Metzgar, from Arkansas to her home in Texas, who was captured by Indians and recovered at the boundaries of the State."

Enrolled bill "An Act for the relief of David Cole, or his assigns."

Enrolled bill "An Act to prohibit the sale, or otherwise disposing of spirituous or vinous liquors within two miles of Greenwood Masonic Institute."

Also, that the House has passed House bill No. 102, "An Act for the relief of the Texas and New Orleans Railroad Company, and to protect it in the enjoyment of its rights."

House bill No. 509, "An Act to repeal an act amendatory of 'An Act to punish certain offenses committed on Sundays, passed November 13, A. D. 1866.'"

Whereupon the enrolled bills were signed by the President and returned to the House.

Also, transmitting Senate bill No. 344, "An Act to incorporate the city of Calvert."

Senate bill No. 299, "An Act to incorporate the Belzora Navigation Company."

Senate bill No. 317, "An Act making appropriations for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for the previous year."

Also, that the House had passed re-engrossed Senate bill No. 248, "An Act to incorporate the Texas and Mexico Railway Company."

Also, that the House had passed Senate bill No. 191, "An Act to incorporate the North Texas Railway Company," with the following amendments:

After the word "succession," in seventh line, section one, insert "for ninety-nine years."

Also, that the House had adopted the following amendments, offered by the Committee of Free Conference on Senate bill No. 317:

Adjutant General's office, after line four, insert:

Telegraphing and printing.....	\$ 1,000
Pay of Adjutant General, from June 24th to August 31st, 1870.....	558
Clerk hire for July and August, 1870.....	200

And on page 15, add,

For support of State Police.....	75,000
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House concurs in Senate amendments to House bill No. 478.

Also, to Senate amendment to House bill No. 314.

[Special Order.]

The hour having arrived for the consideration of special order, House bill No. 429, "An Act to incorporate the Colorado Valley Immigration Company,"

Senator Bowers moved a reconsideration of the vote adopting the amendment to strike out section four.

Yeas and nays taken.

Yeas—Alford, Bowers, Broughton, Clark, Cole, Ford, Parsons, Pettit, Pyle, Rawson—10.

Nays—Mr. President, Baker, Bell, Dohoney, Douglas, Evans, Gaines, Hertzberg, Priest—9.

Absent—Flanagan, Fountain, Hall, Latimer, Mills, Pickett, Pridgen, Ruby, Saylor, Shannon—10.

No quorum voting.

Senator Bowers moved a call of the Senate.

Call sustained.

Roll called.

Absent—Flanagan, Fountain, Latimer, Mills—4.

On motion of Senator Bowers, the call of the Senate was suspended.

The question recurring upon the motion to reconsider, Senator Priest moved to lay the motion to reconsider upon the table.

Yeas and nays taken :

Yeas—Baker, Bell, Dohoney, Douglas, Evans, Gaines, Hertzberg, Priest—8.

Nays—Mr. President, Alford, Bowers, Broughton, Clark, Cole, Ford, Hall, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor—15.

Absent—Flanagan, Fountain, Latimer, Mills, Pickett, Shannon—6.

Lost.

The question recurring upon the motion to reconsider, the yeas and nays were taken :

Yeas—Mr. President, Alford, Bowers, Broughton, Clark, Cole, Ford, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Saylor—15.

Nays—Baker, Bell, Dohoney, Douglas, Evans, Gaines, Hertzberg, Priest, Shannon—9.

Absent—Flanagan, Fountain, Latimer, Pickett, Ruby—5.

Carried.

Senator Gaines moved the bill be postponed until January 13, 1871.

Yeas and nays taken :

Yeas—Baker, Bell, Douglas, Evans, Gaines, Hertzberg, Priest, Shannon—8.

Nays—Mr. President, Alford, Bowers, Broughton, Clark, Cole, Ford, Parsons, Pettit, Pridgen, Pyle, Rawson—12.

Absent—Dohoney, Flanagan, Fountain, Hall, Latimer, Mills, Pickett, Ruby, Saylor—9.

Lost.

Senator Alford moved the adoption of the amendment.

Yeas and nays taken :

Yeas—Baker, Bell, Dohoney, Douglas, Evans, Hertzberg, Priest, Shannon—8.

Nays--Mr. President, Alford, Bowers, Broughton, Clark, Cole, Gaines, Parsons, Pettit, Pridgen, Pyle, Rawson, Saylor--13.

Absent--Flanagan, Ford, Fountain, Hall, Latimer, Mills, Pickett, Ruby--8.

Amendment lost.

[Senator Ruby in the chair.]

Senator Dohoney offered the following amendment :

" Provided that one-third of the emigrants introduced by this company shall be landed either at the town of Jefferson or at the western terminus of the Southern Pacific Railroad.

[Special Order.]

The hour having arrived for the consideration of special order House bill No. 147, on motion of Senator Pridgen it was postponed until the matter before the Senate is disposed of.

The question recurring upon the adoption of the amendment offered by Senator Dohoney, Senator Gaines moved to lay the whole matter upon the table.

Yeas and nays taken :

Yeas--Baker, Bell, Dohoney, Evans, Ford, Gaines, Hertzberg, Priest, Shannon--9.

Nays--Mr. President, Alford, Bowers, Broughton, Clark, Cole, Hall, Parsons, Pettit, Pridgen, Pyle, Rawson, Saylor--13.

Absent--Douglas, Flanagan, Fountain, Latimer, Mills, Pickett, Ruby--7.

Motion lost.

Senator Hall moved the postponement of the matter until tomorrow at 12 o'clock M.

Lost.

The question recurring upon the amendment of Senator Dohoney, the yeas and nays were taken :

Yeas--Baker, Bell, Broughton, Dohoney, Douglas, Evans, Ford, Gaines, Hall, Priest, Shannon--11.

Nays--Mr. President, Alford, Bowers, Clark, Cole, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Saylor--13.

Absent--Flanagan, Fountain, Hertzberg, Latimer, Pickett--5.

The Senate refused to adopt the amendment.

Senator Bell offered the following amendment :

Amend section four by inserting : " Any person bringing any number of immigrants to Texas shall receive from the State Treasury the sum of ten dollars for each and every one so landed in Texas."

Yeas and nays taken :

Yeas--Baker, Bell, Dohoney, Douglas, Evans, Ford, Gaines, Hertzberg, Priest, Ruby, Shannon--11.

Nays—Mr. President, Alford, Bowers, Broughton, Clark, Cole, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Saylor—14.

Absent—Flanagan, Fountain, Latimer, Pickett—4.

Amendment lost.

Senator Saylor moved the bill pass to the third reading.

Carried.

Senator Bowers moved to suspend the rules and the bill be read third time.

Yeas and nays taken :

Yeas—Mr. President, Alford, Bowers, Broughton, Clark, Cole, Ford, Hall, Mills, Parsons, Pettit, Pridgen, Pyle, Rawson, Saylor—15.

Nays—Baker, Bell, Dohoney, Douglas, Evans, Gaines, Hertzberg, Priest, Ruby, Shannon—10.

Absent—Flanagan, Fountain, Latimer, Pickett—4.

Motion to suspend the rules lost, four-fifths not voting in the affirmative.

Senator Parsons moved to take up House bill No. 381, "An Act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot-box."

Carried.

Bill read third time.

Senator Parsons moved the bill pass.

Senator Priest moved the previous question.

Senator Bowers moved a call of the Senate.

Call sustained.

Roll called.

Absent—Flanagan.

Excused—Senators Latimer and Fountain.

On motion of Senator Campbell the call of the Senate was suspended.

The question recurring upon the motion of Senator Priest for the previous question, Senator Bowers moved a call of the Senate.

The Chair ruled the motion out of order, for the reason that after the previous question was seconded, a call of the Senate was not in order.

Senator Bowers appealed from the decision of the Chair.

Yeas and nays taken :

Yeas—Baker, Bell, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Pickett, Priest, Rawson, Saylor—12.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Pridgen, Pyle, Shannon—10.

Absent—Alford, Flanagan, Fountain, Latimer—4.

Not voting—Mr. President, Ford—2.

The Senate sustained the ruling of the Chair.

The Chair then put the question, "Shall the main question be now put?"

Yeas and nays taken:

Yeas—Baker, Bell, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby Saylor—12.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Pickett, Pridgen, Pyle, Shannon—11.

Absent—Alford, Flanagan, Fountain, Latimer—4.

Not voting—Mr. President, Ford—2.

Main question ordered.

The question recurring upon the final passage of the bill, the yeas and nays were taken:

Yeas—Baker, Bell, Gaines, Hall, Hertzberg, Mills, Parsons, Pettit, Priest, Rawson, Ruby, Saylor—12.

Nays—Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Pickett, Pridgen, Pyle, Shannon—11.

Absent—Alford, Flanagan, Fountain, Latimer—4.

Not voting—Mr. President, Ford—2.

Bill passed.

Report of Committee on Enrollment:

COMMITTEE ROOM,

Austin, August 12, 1870.

Hon. DON. CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 319, entitled "An Act authorizing and requiring the Comptroller of Public Accounts to invest in United States bonds the School Fund now in the State Treasury;" also Senate bill No. 267, entitled "An Act to incorporate the Hempstead, Eastern and Western Trunk Railway Company of Texas;" also Senate bill No. 138, entitled "An Act to change the name of Anna O'Donnell to Anna Rowe;" also Senate bill No. 62, entitled "An Act to establish a Code of Criminal Procedure for the State of Texas, approved August 26, 1856;" also Senate bill No. 841, entitled "An Act making appropriations for the payment of the expenses of maintaining ranging companies on the frontier;" also Senate bill No. 314, entitled "An Act to regulate the disposal of the public lands of the State of Texas;" also Senate bill No. 146, entitled "An Act prescribing the powers and duties of clerks of the district courts;" also Senate bill No. 20, entitled "An Act regulating the right to keep and bear arms," and have this day, at eleven o'clock and forty-five minutes, presented them to the Governor for his approval.

B. J. PRIDGEN,

Chairman.

Report of Committee on Contingent Expenses:

COMMITTEE ROOM,
Austin, August 12, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Contingent Expenses, to whom was referred Senate resolution authorizing the Secretary to draw a warrant in favor of C. L. Abbott (for services performed by Lev Wilson, deceased, as Senate porter) for eighteen days labor, at four dollars per diem, seventy-two dollars, have considered the same and recommend the adoption of the resolution.

J. S. MILLS,
Chairman of Committee.

On motion of Senator Mills, the rules were suspended to consider the report.

Report read and adopted.

Special message from the Governor:

EXECUTIVE OFFICE,
AUSTIN, August 12, 1870.

Hon. DON CAMPBELL,

President of the Senate:

SIR: In compliance with the resolution adopted by the honorable Senate on the tenth inst., calling for correspondence between the military authorities of the United States and myself in relation to frontier protection, I have the honor to enclose the following, viz:

One. Copy of letter from headquarters to J. J. Reynolds, United States Army, commanding Department of Texas, of July 23, 1870.

Two. Copy of letter from J. J. Reynolds, United States Army, commanding Department of Texas, to myself, of August 5, 1870.

Three. Copy of my answer to above, of August 8, 1870.

I have further to state that General Reynolds has informed me that he will use his influence to induce the War Department to adopt some such plan for the treatment of the frontier Indians as that indicated in my letter to him. I am sure that everything in the power of that officer will be done to secure permanent peace on the frontier with as little delay as possible.

Respectfully,

EDMUND J. DAVIS,
Governor.

HEADQUARTERS OF THE ARMY,
 ADJUTANT GENERAL'S OFFICE,
 WASHINGTON, July 23, 1870.

To the Commanding Officer, Department of Texas, through Headquarters, Military Division of the South, Louisville, Kentucky :

SIR: In accordance with instructions from the President, the General of the Army directs that you inform the Governor of Texas, in connection with an act passed by the Legislature of that State, entitled "An Act to provide for the protection of the frontier," that the authorities of the State of Texas will not be permitted to make war upon the Indians; but that the military authorities of the United States will, to the extent of their ability, preserve the peace of the frontier.

You will please acknowledge receipt, and report action to this office.

Very respectfully, your obedient servant,

(Signed)

E. D. TOWNSEND,
 Adjutant General.

Official :

H. CLAY WOOD, Assistant Adjutant General.

A true copy :

JAMES DAVIDSON, Adjutant General State of Texas.

HEADQUARTERS, DEPARTMENT OF TEXAS,
 (TEXAS AND LOUISIANA,) }
 AUSTIN, TEXAS, August 5, 1870.

His Excellency, E. J. DAVIS, Governor of Texas :

GOVERNOR: I have the honor to forward herewith official copy of letter received from the Adjutant General of the Army.

Enclosed you will also please find copy of circular issued from Headquarters, District of Texas, Austin, February 23, 1868, authorizing and inviting the citizens of the frontier counties of Texas to aid the United States troops in the defence of the frontier against Indians.

The circular was approved by the War Department, under date of June 20th 1868, and is still in force. Very little aid has, however, thus far been rendered by the people of the frontier counties for their own protection; owing probably to the fact that the Department Commander has not been authorized to promise them pay for such service.

If companies should be organized under the recent act of the Legislature of Texas "to provide for the protection of the frontier," on being officially notified by your Excellency of such organization, orders will be issued from department headquarters directing each

company where to rendezvous, and from what post commander on the frontier they shall receive instructions, under the provisions of the enclosed circular.

After the receipt of a reply to this communication, the whole matter will be again referred to the War Department, in compliance with instructions contained in the accompanying letter from the Adjutant General of the army.

I am, Governor, very respectfully, your obedient servant,
(Signed)

J. J. REYNOLDS,
Colonel 25th U. S. Infantry,
Commanding Department.

[Two inclosures.]

A true copy :

JAMES DAVIDSON, Adjutant General State of Texas.

AUGUST 8, 1870.

Major General J. J. REYNOLDS, United States Army, Commanding Department of Texas, Austin, Texas.

GENERAL: I have to acknowledge receipt of your communication of August 5th, enclosing copy of a letter from Headquarters, U. S. Army, of 23d July. In this, you are directed to inform me in connection with the act recently passed by the Legislature, to provide for the protection of the frontier, "that the authorities of the State of Texas will not be permitted to make war upon the Indians, but that the military authorities of the United States will, to the extent of their ability, preserve the peace of the frontier."

The mentioned act of the Legislature was adopted with no purpose—in the proper sense of that expression—to "make war upon" the Indians, but only to enable the frontiersmen to protect themselves. In this view of the subject, it is greatly to be regretted that the general Government should have been induced to send those suffering people a message which cannot be otherwise than disheartening.

It is hard to realize that the general Government is fully aware of the extent of the troubles on the frontier of Texas, when the matter is spoken of so lightly in their official correspondence. I call attention to the following extract from a letter written by Brevet Major General W. B. Hazen, on June 26th last, to the Chairman of the Military Committee of our State Senate: "In the matter of investigation of operations of Indians on Wichita Reserve, if desired I would be glad to submit evidence that the matter has been going on for ten years, and that the attention of the Gov-

ernment has frequently been called to it. Here Indians go regularly and with the avowed purpose of raiding upon Texas from the Reserve. It is always known, or might be known, when and who go, and when they return, and a system might easily be put in operation to prevent it."

The Indians on this Reservation (and others of the same tribes who have not been on the Reserve), are believed to be now depredating on the settlements from Red River down to the neighborhood of the city of San Antonio.

I think, General, with all respect for our authorities at Washington, it is time that some change should take place in the treatment of the Indian question—at any rate in regard to those infesting the Texas frontier. War should be made on them—not to exterminate; we do not desire that—but, to secure a permanent and real peace by compelling all these Indians to surrender themselves to the United States authorities. Their arms and horses should then be taken from them, and they should be kept in Reservations under constant and close surveillance. As a question of cost, this manner of treating these Indians is certainly the cheapest, while on the score of humanity, as well to the Indian as the white; it is also advisable.

As long as the practice continues as heretofore, of allowing these Indians to retain their arms and horses, and to come and go when they please, the reserve system will be a farce; encouraging the Indians to resort thither during winter and times of scarcity, where they may recuperate and procure fresh supplies of clothing and ammunition.

Surely the United States government will not permit this condition of affairs to continue indefinitely. I will therefore, General, ask your influence with the War Department to the end that plans be now arranged for operations against the Indians infesting the frontier of Texas during the coming fall and winter. That the object in view—that is, the capture and submission of all these tribes—be persisted in till all are united in proper reservations, and their arms and horses taken from them. That in this general plan the Kickapoos, now residing in Mexico, be included—of course under preconcert with that government.

To this end the State troops, now being organized under the said act, "for the protection of the frontier," can be placed at the disposition of the War Department, and act in co-operation with the United States forces, and under the command of United States officers of the proper rank. The State troops will number from eight hundred to twelve hundred men, mostly used to frontier and Indian warfare.

In the meantime I will accept your offer to forage and ration these

men, and will direct their movements and stations so as to accord with your views, and to co-operate with your forces.

Respectfully,

(Signed)

E. J. DAVIS, Governor.

A true copy:

JAMES DAVIDSON, Adjutant General, State of Texas.

Senator Campbell moved that five thousand copies of the Governor's message and accompanying documents be printed for the use of the Senate.

Carried.

By leave, Senator Pickett offered the following from the Committee on Conference:

SIR: Your Committee of Free Conference, to whom was referred Senate bill No. 2, entitled "An Act to incorporate the Jefferson and Shreveport Railroad Company, to provide the ways and means for constructing and maintaining their road, and to authorize the sale of said road, and the acquisition by the company of other road or roads," have had the same under consideration, and have agreed upon the following report:

1. The Senate to concur in House amendment to section three, in line twenty, by filling a blank with the words "five or more."

2. That section one, line eight, be amended by striking out the word "perpetual."

Also amend line nine by inserting after the word "succession," the words, "for ninety-nine years."

Very respectfully,

WM. H. SINCLAIR,

C. D. MORRIS,

E. P. BEGTON,

Committee on part of House.

E. B. PICKETT,

W. A. SAYLOR,

Committee on part of Senate.

Report of committee read and adopted.

On motion of Senator Parsons the Senate adjourned to 8 o'clock this evening.

EVENING SESSION.

8 o'CLOCK P. M.

Senate met pursuant to adjournment. President Don Campbell in the Chair. Roll called; quorum present.

[Senator Priest in the chair.]

On motion of Senator Parsons, the rules were suspended to take up Senate bill No. 156, "An Act to incorporate the Texas Mining Company."

Bill read second time and passed to engrossment.

Rules suspended, and bill read third time.

Yeas and nays taken on final passage:

Yeas---Alford, Baker, Bowers, Broughton, Clark, Cole, Dohoney, Douglas, Evans, Ford, Hertzberg, Parsons, Pettit, Pickett, Priest, Pyle, Rawson Ruby, Saylor, Shannon---20.

Nays---Bell, Flanagan, Fountain, Gaines, Hall, Latimer, Mills, Pridgen---8.

Absent---Mr. President.

Bill passed.

On motion of Senator Pettit, the rules were suspended to take up "Joint Resolution to appoint two commissioners to obtain information relating to public free schools."

Resolution read second time and passed to engrossment.

Senator Pyle moved to lay the resolution on the table.

Carried.

On motion of Senator Pickett, the rules were suspended to take up House bill No. 331, "An Act to incorporate the Liberty county, Texas, Agricultural Mechanical Blood Stock Association."

Bill read first time.

On motion of Senator Pickett, the Senate receded from the following amendments to the bill:

Amend section one by striking out the word "commissioners," and insert "incorporators."

On motion of Senator Dohoney the rules were suspended to take up House bill No. 507, "An Act appropriating certain moneys for the use of the State Lunatic Asylum."

Report of committee read and adopted.

Bill read first time; rules suspended, bill read second time:

Message from the House by Chief Clerk informing the Senate that the House had passed the following Senate bills: Nos. 19, 24, 28, 30, 46, 59, 60, 65, 73, 76, 78, 83, 100, 107, 119, 124, 125, 141, 145, 160, 164, 169, 171, 174, 178, 180, 183, 208, 209, 217, 221, 226, 249, 257, 259, 264, 279, 354 and 356.

Also substitute for Senate bills Nos. 93, 97, 210, 244 and 261.

Also Senate substitute for House bill No. 466.

Also, with amendments, Senate bills Nos. 196 and 69.

Also House bill No. 87, "An Act making an appropriation to pay the widow and heirs of W. A. Smith, deceased, for services rendered the State."

Message from the House informing the Senate that the Speaker of the House had signed, in open session, the following enrolled bills, viz:

Enrolled bill, "An Act to incorporate the town of Canton, in Van Zandt county."

Enrolled bill, "An Act to amend 'An Act to incorporate the Fire Association of the city of San Antonio,' approved February 8, 1858."

Enrolled bill, "An Act to revise an act, and amend the first section of the same, incorporating the Burnett Male and Female Academy."

Enrolled bill, "An Act to incorporate the town of Round Top, Fayette county."

Enrolled bill, "An Act to incorporate the Jefferson Insurance, Savings and Exchange Company."

Enrolled bill, "An Act to incorporate the Big Cypress Bridge Company."

Enrolled bill "An Act supplementary to an act to incorporate the Victoria and Columbia Railroad Company, approved November 13, 1866."

Enrolled bill "An Act to reorganize the city of Indianola, in Calhoun county, Texas."

Whereupon they were signed by the President and returned to the House.

Under direction of the President the Secretary carried to the House the following enrolled bills:

Senate bill No. 218, "An Act regulating public printing."

Senate bill No. 29, "An Act to incorporate the Stonewall Fire Company of the city of Houston."

Senate bill No. 32, "An Act to incorporate the Houston Hook and Ladder Company No. 1, of the city of Houston."

Senate bill No. 246, "An Act creating the county of San Jacinto, and naming the county site thereof."

Senate bill No. 351, "An Act to validate certain official acts of county judges."

Senate bill No. 8, "An Act to incorporate the town of Hallyville in Harrison county, Texas."

Senate bill No. 260, "An Act to incorporate the Texas Timber and Prairie Railroad Company."

Senate bill No. 51, "An Act providing for a geological survey of the State of Texas."

Senate bill No. 45, "An Act to incorporate Butler Male and Female Academy, in the county of Freestone."

Senate bill No. 350, "An Act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico."

Substitute Senate bill No. 34, "An Act to amend an act entitled 'An Act to incorporate the Western Texas Life, Fire and Marine Insurance Company of the city of San Antonio, Texas, passed February 16, 1858.'"

Senate bill No. 352, "An Act to regulate the sale of lands and decrees of the courts."

Senate bill No. 299, "An Act to incorporate Belzora Navigation Company."

Senate bill No. 332, "An Act authorizing the county courts to sell the school lands situated in their respective counties."

Senate bill No. 325, "An Act fixing the terms of the Supreme Court of the State of Texas, and authorizing and requiring the court to establish rules."

Senate bill No. 248, "An Act to incorporate the Texas and Mexico Railway Company."

Signed by the Speaker and returned.

Senator Ruby moved the Senate concur in the report of the Committee of Conference on Senate bill No. 317, "An Act making appropriation for the support of the State government for the fiscal year commencing September 1, 1870, and ending August 31, 1871, and for deficiencies incurred in the support of the State government for previous years."

Senator Douglas moved a call of the Senate.

Call sustained; roll called.

Absent—Senators Gaines and Mills.

On motion of Senator Alford the call of the Senate was suspended.

On motion of Senator Priest the Senate adjourned.